

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Steven S. Brown, :
 :
Plaintiff, : Civil Action 2:07-cv-0013
 :
v. : JUDGE FROST
 :
Warden Voorhies, et al., :
 :
Defendants. :

ORDER

This matter is before the Court to consider a Report and Recommendation issued by the Magistrate Judge on July 17, 2008. The time for filing objections has passed, and no objections have been filed. Therefore the Court adopts the Report and Recommendation (#90). The motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (#53) is granted in part and denied in part. Mr. Brown's claims against both Prosecutor Ron O'Brien and Sheriff Jim Karnes arising out of 42 U.S.C. §1987, the Religious Land Use And Institutionalized Persons Act, 42 U.S.C. §2000cc et seq., and Title 29 of the Ohio Revised Code are dismissed with prejudice. Further, Mr. Brown's claims against Prosecutor O'Brien under Title II of the Americans with Disabilities Act, 42 U.S.C. §12131 et seq., are also dismissed with prejudice. The cause of action against Sheriff Karnes under the ADA, and the causes of action against Prosecutor O'Brien and Sheriff Karnes pursuant to 42 U.S.C. §§1981, 1983, and 1985 are not dismissed for failure to state a claim upon which relief can be granted.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE